

PATENT

REMARKS

This paper is being filed in response to the office action mailed on May 22, 2003. The amendments presented above add five new claims. A Fee Transmittal form, authorizing payment of the extra claim fees via Deposit Account No. 18-1722, accompanies this response. In addition, a general authorization to charge fees has been included on the preceding page of this paper.

Section 2 of the official action rejects claims 1, 2, 4, 5, 7, 9, 10, 12-14, 18, 19, 21 and 22 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,353,605 of Rautanen et al. More specifically, the office action bases its rejection in large measure on the paragraph appearing in column 7, lines 45 through 58 of the Rautanen reference. Upon review of the reference and the pending claims, however, it is believed that the pending claims are allowable over Rautanen.

For example, the cited passage refers only to Rautanen's allocation of time slots on the "TL" transmission link (see Rautanen Fig. 4 for example) between the base stations and the base station controller. Further, it is clear from the Rautanen disclosure that all of the allocations are performed by the base station controller. Several statements throughout the disclosure support such a conclusion (see, for example, col. 2, lines 22-23; col. 2, lines 31-32; col. 4, lines 37-39, "the intelligence can reside at the base station controller only, which grants the base stations permission to use time slots or parts thereof;" col. 5, lines 36-37, "the base station controller performs the channel allocation;" col. 5, line 44, "the base station controller allocates;" col. 5, lines 52-53, "the base station controller marks the channels as free;" col. 5, lines 57-58, "the base station controller, which allocates;" col. 5, lines 63-64, "the base station controller

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marks the channels as free"). Similarly, other passages of the disclosure also make it clear that a time slot is "allocated to" rather than "allocated by" a base station (see, for example, col. 7, lines 16-17, "the entire time slot is allocated to base station BTS2;" col. 7, lines 26-27, "the time slots of the transmission frame that are allocated to each base station;" col. 7, lines 28-29, "the time slots allocated to the different base stations"). Further, it is clear from the disclosure that the base station controller does not "assign itself" a time slot for communication. Rather, its role is to allocate time slots only to the base stations.

The pending claims, however, state that the network includes a plurality of nodes that can each "assign itself" a time slot. As pointed out above, neither the base station controller nor the base stations of Rautanen assign themselves a time slot. For this reason alone, the pending claims are patentable over the Rautanen reference.

In addition, the Rautanen passage also does not disclose a "static node" such as is included in the pending claims. Again, col. 7, lines 45-58 refer only to the allocation of time slots on the "TL" link. There is no teaching as to the integration of a "static node" with a plurality of "dynamic nodes" as is required in the pending claims. For this additional reason, the pending claims should be found to be patentable over the cited reference.

Further still, the communicating devices of Rautanen are actually the MS units (see Rautanen Figs. 1 and 4) such as cellular telephones and the devices coupled with the other networks such as the ISDN, PSPDN, CSPDN, PSTN or PLMN networks (see Rautanen Fig. 1). The base stations and base station controller are merely intermediaries and thus are different in nature from the "nodes" of the pending claims.

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Thus, for several reasons, it is believed that the pending claims are patentable over Rautanen.

Regarding the rejection of claims 2, 4, 5, 7, 12, 14 and 19, there does not appear to be a specific rationale expressed in the office action in support of the rejection of any of these claims. Clarification of the basis for these rejections is requested. The rejection of these claims appears to be in the nature of an omnibus or a common rejection. Such rejections are considered to be improperly expressed rejections (see MPEP 707.07(d)).

Regarding the rejection of claims 9 and 13, the office action mischaracterizes the nature of a unifying slot assignment protocol (see page 3 of the pending specification for example).

Sections 3 and 5 of the official action reject claims 8, 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,353,605 of Rautanen et al. No reference has been cited, however, that contains the teaching that the action characterizes as missing from Rautanen. The rejection therefore appears to be based on information within the personal knowledge of the Examiner or on references that have not been specifically cited. Applicant requests that the Examiner disclose the missing references being combined or supply an affidavit under 37 C.F.R. §1.104(d)(2) in support of these rejections.

Section 4 of the official action states that this application currently names joint inventors. Applicant believes that the records of the patent office will reflect that this application identifies C. David Young as the sole inventor.

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Section 6 of the official action indicates that claims 3, 17 and 20 would be allowable if rewritten in independent form to include the limitations of the relevant base and intervening claims. For the reasons stated above, however, it is believed that these claims are also allowable in their present dependent form. In addition, Applicant notes that new claims 23-27, which are related to the subject matter of the objected claims, have been presented for consideration. It is believed that the new claims are allowable over the cited references.

In closing, a Notice of Allowance allowing all of the pending claims is respectfully requested.

Respectfully submitted,

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